

MORSE DIESEL
INTERNATIONAL, INC.

CONTRACT NO. V101DC-0087

**VABCA-4897, 5244 &
5250**

VA MEDICAL CENTER
PALO ALTO, CALIFORNIA

Harold C. Verhaaren, Esq., Nielsen & Senior, P.C., Salt Lake City, Utah, for the Appellant in VABCA-4897; *Gregg N. Dulik, Esq.*, Thelen, Marrin, Johnson & Bridges, LLP, San Francisco, California, for the Appellant in VABCA-5244;

Paul A. Aherne, Esq., and *A. Robert Rosin, Esq.*, Simpson, Aherne & Garrity, P.C., San Mateo, California, for the Appellant in VABCA-5250.

Anna C. Maddan, Esq., Trial Attorney, San Francisco, California; *Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. On November 24, 1999, the Department of Veterans Affairs filed a JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT. The motion encloses a STIPULATION OF SETTLEMENT finally executed on November 1, 1999, entered into by the parties concerning VABCA-4897, 5244 & 5250.

2. The parties recite that they have “amicably resolved” the issues which are the subject of VABCA-4897, 5244 & 5250 and jointly move that the Board enter Judgment in the amount of \$475,000 “in full and complete settlement of any and all claims, whether known or unknown (including attorney fees under the Equal Access to Justice Act) which MDI had, has or will ever have against VA pursuant to said contract.”

3. Inasmuch as the parties have stipulated the equitable adjustment due Morse Diesel International, Inc. in VABCA-4897, 5244 & 5250, their JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT is GRANTED. Appellant is found entitled to \$475,000 pursuant to the terms and conditions of the STIPULATION OF SETTLEMENT entered into by the parties.

IT IS SO ORDERED

DATE: December 2, 1999

GUY H. MCMICHAEL III
Chief Administrative Judge